



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

DEC - 9 2010

OFFICE OF
COMPLIANCE AND ENFORCEMENT

WAD 3480
12-9-10
4c

Reply to: OCE-127

Certified Mail Number 7010 1060 0002 0287 9423
Return Receipt Requested

Mr. Mark Giustino
Delta Marine
1608 S 96th Street
Seattle, Washington 98108-5115

Re: **Notice of Violation**
Delta Marine
ID Number WAD 05259 3480

Dear Mr. Giustino:

This Notice of Violation (NOV) is to inform you of violations of the Washington State Hazardous Waste Management Act as authorized by the U.S. Environmental Protection Agency (EPA) pursuant to the Resource Conservation and Recovery Act (RCRA). These violations have been identified based on an inspection performed by the EPA on August 12, 2010 at your facility located at 1608 S 96th Street, Seattle, Washington. The purpose of the inspection was to determine the facility's compliance with WAC 173-303 dangerous waste generator standards, universal waste management standards, and used oil management standards. This inspection was performed pursuant to EPA's authority under Section 3007 of RCRA, 42 U.S.C. § 6927.

At the time of the inspection, the following violations were observed:

Violation 1 – Failure to Label a Container of Used Oil

The regulation at 40 C.F.R. § 279.22(c)(1), as incorporated by reference at WAC 173-303-515(6), states that "containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

At the time of the inspection, the inspectors observed in the maintenance shop a 55 gallon container used for collecting oil drained from filters. There was used oil in the container. The container was not marked or labeled with the words "Used Oil" as required by WAC 173-303-515(6). This is a violation of the requirements.

Violation 2 – Failure to Close a Container of Universal Waste Lamps

The regulation at WAC 173-303-573(9)(c)(ii) requires that containers of universal waste lamps must remain closed.

At the time of the inspection the inspectors observed an open cardboard box that contained universal waste lamps. This is a violation of the requirement to keep the container closed.

Violation 3 – Failure to Place Waste in Containers that were Closed or Not Subject to Rupture

The regulation at WAC 173-303-200(1)(b)(i) allows a generator to accumulate dangerous waste onsite without a permit provided that the generator complies with WAC 173-303-630. WAC 173-303-630(5)(a) requires that waste is managed in containers that are closed.

At the time of the inspection, the inspectors observed in the solvent distillation room several unsealed bags of hazardous waste acetone still bottoms sitting on top of two 55 gallon drums. These bags were not closed. This does not comply with WAC 173-303-630(5)(a).

Violation 4 – Failure to Place a Start Date on Containers of Hazardous Waste

The regulation at WAC 173-303-200(1)(c) allows a generator to accumulate dangerous waste onsite without a permit provided that the generator marks containers of hazardous waste with the date on which accumulation of hazardous waste began.

At the time of the inspection the inspectors observed in the solvent distillation room several unsealed bags of hazardous waste acetone still bottoms that were not marked with the date accumulation began. This does not comply with the start date condition.

Violation 5 – Failure to Properly Label Containers of Hazardous Waste

The regulation at WAC 173-303-200(1)(d) allows a generator to accumulate dangerous waste on-site without a permit provided that the generator marks containers of hazardous waste with the words “dangerous waste” or “hazardous waste” and a label indicating the major risk associated with the waste.

At the time of the inspection, the inspectors observed in the solvent distillation room several unsealed bags of hazardous waste acetone still bottoms that were not marked with any labeling. This does not comply with the labeling condition.

Required Actions

The above violations may subject Delta Marine to enforcement action under Section 3008 of RCRA, including the assessment of civil penalties. Within fifteen (15) days of receipt of this NOV, EPA requests that you submit a written response that identifies all actions you have taken or will take to correct the violations and the time frame for completing such action. This response may include proper documentation and photographs of the corrected action. If you have already submitted this documentation it is not necessary to resubmit it.

Please send all material submitted in response to this NOV to:

Jack Boller, Air RCRA Compliance Unit
U. S. Environmental Protection Agency, OCE-127
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

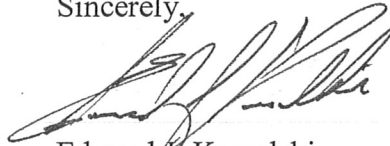
EPA Reservation of Rights

Notwithstanding this NOV or your response, EPA reserves the right to take any action pursuant to RCRA, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), or any other applicable legal authority, including without limitation, the right to seek injunctive relief, implementation of response actions or corrective measures, cost recovery, monetary penalties, and punitive damages. Your response to this NOV does not constitute compliance with RCRA.

Nothing in this NOV or your response shall affect Delta Marine's duties, obligations, or responsibilities with respect to the Facility under local, state, or federal law or regulation.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV, please contact Jack Boller of my staff at 206-553-2953.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward J. Kowalski', written over a horizontal line.

Edward J. Kowalski
Director

3. Notice of Violation/Notice of Noncompliance*

Case Name: Delta Marine

City/State: Seattle, Washington

CONCURRENCES			
Title:	Compliance Officer	ORC Attorney (only CAA-SIP; SDWA-UIC; RCRA (unless no further enforcement action is planned & no attorney is assigned); TSCA Pb paint)	Program Unit Manager
Name:	Jack Boller		Jeff Kenknight
Initials:	<i>JB</i>		<i>aw for</i>
Date:	<i>12/6/10</i>		<i>12/10/10</i>

If document is included, check YES. If not, check NO and explain.

	YES	NO	
Document for signature/concurrence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Communication plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Press release requested? (if applicable from communication plan)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Write-up for OECA weekly report	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____

Is facility located in Indian Country and/or a Tribal Facility (i.e., owned or controlled by a federally recognized Indian tribe)? ☐ YES ☒ NO

If **YES**, fill out and attach Addendum A: Facilities within Indian Country and Tribal Facilities.

Meth
RETURN package to COMPLIANCE OFFICER for mailing.

* For documents to be **signed** by an OCE manager, attach a completed OCE Correspondence Action Request to this checklist. A blank Request is at the end of these checklists, after Appendix A.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>Mark Giustino</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; text-align: center;"> Mark Giustino Delta Marine 1608 S 96th Street Seattle, WA 98108-5115 </div>		B. Received by (Printed Name) _____ C. Date of Delivery _____ D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
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PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

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PS Form 3800, August 2006
See Reverse for Instructions

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